

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 2666 OF 2003.
IN
SUIT NO. 2726 OF 2003

1. Bharati Suresh Shroff & Ors.	]	.. Plaintiffs
Versus		
1. Kapil Gautam Thakore & Ors.	]	.. Defendants
And		
Daultat-Shirin Coop.Hsg.Sty.Ltd.	]	.. Respondents

Mr.Virag Tulzapurkar i/b Tyabji Dayabhai & Co. for the
plaintiffs.

CORAM: ANOOP V. MOHTA, J.

DATED: 12TH SEPTEMBER, 2005

P.C. :

1. Heard. None appeared for the defendants, inspite of newspaper publication. As per order dated 16th September, 2003, it was published in the Free Press Journal on 29th July, 2004. An affidavit of service dated 15th September, 2003, is also placed on the record. None appeared for the defendants when ad-interim order dated 16th September, 2003, was passed in terms of prayers (a) and (b). The plaintiffs have acted upon the said order and also on additional directions issued.

2. The plaintiffs suit is for recovery of the amount as due and payable by the defendants. Considering the averments made in the Suit and the Affidavit in support of the Notice of Motion which remained uncontroverted till this day, I am inclined to confirm the order dated 16th September, 2003, passed in this Notice of Motion. Learned counsel appearing for the plaintiffs submitted that as per clause 2 of the order, the sale ought to have been completed within six months from the date of the order. However, because of procedural aspect and difficulties, the Receiver was unable to submit his Report to the Court as the sale could not be completed within six months. He has, therefore, prayed for the extension of the time upto December, 2005. Accordingly, clause 2 of the order is modified to the extent that the sale to be completed by 31st December, 2005. Rest of the order is confirmed. Parties to take appropriate steps.

3. Notice of Motion accordingly stands disposed of.

[srpasha@hc]

[ANOOOP V. MOHTA, J.]